

### **REMARKS**

The Office Action of January 30, 2004, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1, 2, 5, 6, 11-15 and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Spence* (U.S. Patent No. 4,919,888); claims 3, 4, 7-9 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spence* in view of *Quehl* (U.S. Patent No. 4,165,404); and claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spence* in view of *Quehl* and further in view of *Limbacher et al.* (U.S. Patent No. 5,837,181).

The primary reference upon which the Examiner relies, *Spence*, relates to a container system with a safety seal. The container is adapted to store objects and to keep the objects sterile until they are needed. The safety seal is further adapted to shrink under the influence of heat.

As a first matter, the container in *Spence* is just placed in a sterilization device for a sterilizing process and hence, does not define a "sterilisation chamber for use in a sterilisation device," or a "sterilisation enclosure in the sterilisation device," as recited in claim 1. Second, the container in *Spence* is adapted to keep the objects sterile until they are needed and to accomplish a microorganism-proof seal. The container is arranged with a filter permitting sterilant to enter and exit the container during the sterilization process. Hence, unlike the present invention, the container of *Spence* is not pressurized and exposed to the same pressure as a pressure chamber, i.e., sterilization chamber, of a sterilization device. The *Spence* container

is, at the utmost, exposed to a pressure on the outside of the container when it is sealed. Third, in contrast to *Spence*, the sterilization chamber in the present invention is arranged to be mounted to the remaining sterilization device and to partly define a sterilization enclosure in the sterilization device. The container in *Spence* does not form part of the sterilization device.

Regarding the term "sterilisation chamber," it is clear from the present application as a whole, that this term is aimed toward the chamber in which the sterilization process is performed by a sterilization device, see for example page 1, lines 10-21; page 4, lines 23-28, and Fig. 1 in the application as filed, and not to a container as disclosed in *Spence*, which *per se* does not form a part of the sterilization device. This is also in line with the interpretation that one skilled in the art would provide to the term "sterilisation chamber." It has for a long time been an established prejudice in the business of sterilizers that the sterilization chamber is to be manufactured from a metal material. However, as outlined in the present specification there are many advantages in making the chamber in a polymer material instead. For example, ease of manufacture, reduced energy consumption, since the polymer material is not heated as a metal material is; and a reduced need for additional insulation. Moreover, in contrast to what was commonly believed, the use of the non-metal chamber reduces the risk of bacterial growth, since the number of joints and other places where bacterial easily may grow is reduced.

Thus, for at least the reasons set forth above, the container in *Spence* would not be considered a sterilization chamber as understood in the art and it does not form a sterilization enclosure in a sterilization device, as recited in claim 1. Applicants respectfully submit that claim 1 is therefore not anticipated by *Spence*.

The remaining claims depend either directly or indirectly from claim 1 and are thus also patentable for at least the reasons set forth above.

### CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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